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HAS CRIME INCREASED IN THE UNITED STATES SINCE 1880?

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Professor Falkner, formerly of the University of Pennsylvania, Mr. Koren of the Census Bureau and many others have assured us that crime is not increasing in the United States, or at least that statistics afford us no ground for such belief. However, some remain unconvinced by this assurance and find difficulty in interpreting the statistics in such an optimistic way. Of course criminal statistics are so inadequate and faulty in the United States that they easily lend themselves to several interpretations; but certain statistics from 1880 to 1904 seem, now that they are largely history, to afford good ground for the belief that crime did considerably increase during at least a portion of that period. The thesis of this paper is that all the facts which we know show that crime increased in United States rapidly from 1880 to 1895, and that since 1895 there has been apparently a slight decrease, if we can judge by the present statistics. The title of this paper might, perhaps, be more accurately stated "Did Crime Increase in the United States Between 1880 and 1904," inasmuch as we have no statistics for the country as a whole since 1904 that are worth anything.

In the first place, let us examine the census prison statistics from 1860 to 1890 inclusive. The following table shows the increase in the prison population during that period:

PRISONERS IN UNITED STATES, 1860-1890.

Year.	Prison Population.	Prisoners in a Million.
1860.....	19,086	607
1870.....	32,901	853
1880.....	58,609	1,169
1890.....	82,329	1,315

The prison statistics for 1850 are not included in the above table because the prison census of that year was notoriously incomplete, nor are the statistics for the special prison census for 1904 included for the reason that the census was made upon a totally dif-

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ferent basis from all the preceding censuses, which makes it non-comparable with them. If we were to draw any conclusion from the above table we would have to conclude that between 1860 and 1890 when the population just doubled, the number of prisoners quadrupled; that is, the prison population increased twice as fast as the general population. But, as has often been pointed out, the prison statistics of 1860 are also not entirely trustworthy, and the 1860 figures especially ought not be taken as a basis of comparison because the great increase of negro prisoners did not take place until after the Civil War. While these statistics are in a general way confirmed by most prison statistics covering the same period, yet because there are so many doubts connected with them, it would seem wise in attempting any study of the question whether crime has increased in this country, to begin our inquiry with the census of 1880. As has already been stated, the prison census of 1904 was taken, unfortunately, upon an entirely different basis from that of 1880 and 1890 because it excluded from the prison statistics classes which had previously been included, such as prisoners awaiting trial, prisoners serving out fines, insane prisoners and others. Not counting these classes, then, the census of 1904 showed a total of 81,772 prisoners serving sentences in the civil prisons of the United States. This would make only 1,006 prisoners in each one million of population as compared with 1,315 in a million in 1890; but if we deduct from the census of 1890 the classes which were excluded in 1904, there will be left but 66,803 prisoners serving sentences in civil prisons in that year. It would then be found that the ratio for 1890 had been reduced to 1,067 prisoners in one million of population, instead of 1,315. Evidently, then, from these prison statistics superficially considered, there is no conclusion to be drawn, unless it be that crime slightly decreased in the United States between 1890 and 1904.

If we turn our attention, however, to the statistics of prisoners in state prisons and penitentiaries, that is to the statistics of major offenders, we will find that the statistics warrant more definite and not such optimistic conclusions. It may here be remarked that the statistics of our state prisons, whether obtained from the census or otherwise, are of a less fluctuating character than the statistics of our minor prisons. Moreover, these statistics are more important because we are not so much concerned whether all offenses have increased as whether serious crime has increased in this country. The statistics of prisoners in state prisons and penitentiaries are, there-

fore, comparable at different periods and warrant rather definite conclusions regarding serious crime. Only one remark is to be made concerning them; and that is, that apparently the average duration of sentence for major offenders was considerably shortened between 1880 and 1904, and likewise that the ratio of convictions in our higher criminal courts went down considerably in that period. We should, therefore, expect a decrease in proportion to the population of the number of major offenders in prisons in 1880 and in 1904. What are the facts?

In 1880 the census showed the number of prisoners in state prisons and penitentiaries to be 30,659; in 1890 the number had risen to 45,233, an increase of forty-seven and one-half per cent, although the population in the same period increased but twenty-four per cent. In 1904 the total number enumerated in the state prisons and penitentiaries was 53,292, but to these should be added the number in state reformatories for adults, which was 7,261², and as nearly all those in state reformatories were there upon felony sentence, this makes a total of major offenders in state prisons of 60,553. The assumption that these were major offenders is confirmed by the fact that the census of 1904 sets down the number of major offenders enumerated as 59,306. This makes an increase in the number of prisoners serving sentence for serious crime between 1890 and 1904 of over thirty-one per cent, while the general population is estimated to have increased slightly less than thirty per cent. Stated in other words, the number of major offenders serving sentence in a million of population in 1880 was 611, while the number serving sentence in 1904 was 729 in the one million of population. Between 1880 and 1904 the estimated increase in the total population was sixty-two per cent, while the increase in the number of serious offenders serving sentence was ninety-five per cent.

These statistics, however, suggest that the increase took place almost wholly between 1880 and 1890. Let us see if this is so. Fortunately the National Prison Association took a special census of prisoners in the state prisons in 1895 and the number was 54,244. Apparently, therefore, the number of major offenders serving sentence in our state prisons had jumped from 45,233 in 1890 to 54,244 in 1895, or about twenty per cent in the half decade, while the population, we note, could not have increased much more than ten per

²In the censuses of 1880 and 1890 those in state reformatories for adults were included in the number of prisoners in state prisons and penitentiaries.

cent. This makes the statistics of major offenders serving sentence in the state prisons as follows:

1880.....	30,659
1890.....	45,233
1895.....	54,244
1904.....	59,306

It is evident from a glance at this table that the great increase of prisoners in our state prisons came between 1880 and 1895 and that since 1895 there has been a slight decrease of prisoners in our state prisons in proportion to the population.

Whether or not this indicates a decrease in crime in this country in proportion to the population between 1895 and 1904 is, of course, open to question. During that period, especially during the latter five years, there was a great increase in the use of parole and in "good time" laws (both having the effect of shortening sentence) and in the use of suspended sentence and probation. All these would tend to cut down prison population. It is, therefore, conceivable that there was some slight increase in serious crime from 1895 to 1904, only it did not result in the increase of prison population. Be this as it may, statistics from other sources seem to indicate that the culmination of the increase of crime in this country came, for a time, at least, in 1895-1896³. The three years preceding had been years of industrial depression, and the depression in part accounts for the increase of serious crime, which all statistics show for this country from 1890 to 1895. The well-known statistics of homicides collected by the *Chicago Tribune* from 1881 to the present time apparently corroborate this conclusion. While the *Tribune* statistics have often been questioned as to their accuracy, it may be stated that from 1892 onward they show every evidence of accuracy. The number of homicides reported by the *Tribune* for the United States in 1892 was 6,971, which was 104 per million of the population. In 1895 the number had reached 10,500, which was 152 per million of the population, and in 1896 it was 10,652, which was 151 per million of the population. After that date the ratio of homicides decreased rapidly and in 1904 the number reported was 8,482, which was again 104 per million of the population, around which number it had fluctuated since 1898. The *Tribune* statistics also show, then, that

³The prison statistics of New York state show that in 1895 the total population of the state prisons, reformatories and penitentiaries reached 9,851—a number which has only been recently surpassed.

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homicidal crime increased down to 1895 and that since then it has shown no increase out of proportion to the population.

Whether the increase in serious crime between 1880 and 1895 was an increase that characterized all sections of our population or only certain sections is, of course, an interesting question. Some light is thrown upon this question by the distribution of major offenders in 1890 and in 1904 by census geographic divisions. The following table showing the number of persons in state prisons and penitentiaries by geographic division in 1890, and the number of major offenders serving sentence in the same divisions in 1904 is, therefore, of interest:

MAJOR OFFENDERS SERVING SENTENCES 1890 AND 1904.

Geographical Division.	State Prison Inmates, 1890.	Major Offenders, 1904.
North Atlantic.....	14,447	15,052
South Atlantic.....	6,466	9,147
North Central.....	10,990	16,215
South Central.....	9,241	12,971
Western.....	4,059	5,921

This table shows very conclusively that serious crime increased with great unevenness in different sections of the country between 1890 and 1904. In the North Atlantic states there was a decrease in proportion to the population of those serving sentence for major offenses. The greatest increase was found in the North Central states, where it amounted to over fifty per cent, while the population increase was less than twenty-five per cent. The South Central states also show a very considerable increase; also the South Atlantic states. The question which naturally arises is, how far was this increase in serious crime due to the increase in crime among our negro population. In the North Central states there is a considerable immigrant negro population, which increased rapidly between 1890 and 1900, and which has a very large criminal element. The South Central states and the South Atlantic states both showed increase of those serving sentence for serious crime out of proportion to their increase of population. It is, therefore, fair to infer that a very considerable portion of the increase of serious crime in the United States between 1880 and 1895 was owing to the increase in crime in the negro population. Other statistics show that the criminality of the negro began to increase very rapidly beginning with 1880. It is highly probable, then, that a considerable proportion of the in-

crease of crime between 1880 and 1895 was confined to our negro population; still it would be quite unwarranted to attribute all of this increase to the negro population, for we have noted that the greatest increase in the number of those serving sentences for serious crime between 1890 and 1904 took place in the North Central states, which as a whole have only two per cent of their population negro. Some of the increase must apparently be ascribed to the white element in the population.

It may also be interesting to note in this connection that the number of juvenile delinquents in reform schools in the United States increased from 14,846 in 1890 to 23,034 in 1904, an increase of 55.2 per cent, while the general population increased, as we have seen, only about thirty per cent. A part of this large increase in the number of juvenile delinquents in institutions may, of course, be ascribed to the increased number of institutions in 1904 over 1890, and to increased strictness in dealing with juvenile delinquency. Nevertheless it must be remembered that the five years previous to 1904 saw the inauguration of very strenuous efforts to keep delinquent children out of institutions. The inauguration of the juvenile court movement and of probation for juvenile offenders would naturally tend to cut down the number in the reform schools, were not juvenile crime increasing somewhat more rapidly than population. The statistics of arrests of children in American cities between 1890 and 1900 confirm the belief that there was a very considerable increase of juvenile delinquency in that period, and that, therefore, all the increased population of juvenile reform schools in 1904 was not wholly due to beneficent causes.

We have reached the conclusion, then, from all the facts in our possession that there was considerable increase of serious crime in the United States between 1880 and 1895. Are we justified in claiming that serious crime has come to a standstill or has slightly decreased in the United States since 1895? Apparently the statistics indicate a slight decrease from 1895 to 1904, but this decrease in the number of major offenders serving sentences in our prisons may be very largely due to the initiation and growth of the probation system within that period. It can also be due to the lessened ratio of convictions of major offenders in our courts. Finally, it is probable that sentences tended to become shorter between 1895 and 1904. We cannot, therefore, be certain that serious crime tended to decrease in this country between 1895 and 1904, although the homicide statistics of the *Chicago Tribune*, which we have already cited, tend to bear out that belief. Certain statistics of arrests in our large

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cities from 1902 to 1907 seem to indicate a considerable increase of crime in those five years. The following census statistics of arrests in 158 cities in the United States in the years 1902,⁴ 1905 and 1907 are of interest.

TOTAL ARRESTS, 1902-1907, IN 158 CITIES.

Year	Arrests.	Population.
1902 ⁴	1,015,000	21,110,000
1905.....	1,212,000	22,319,000
1907.....	1,369,000	23,511,000

It will be seen by glancing at this table that the number of arrests increased from 1902 to 1907 by about thirty-five per cent, while the population concerned increased only a little over eleven per cent. It is not certain, however, that this largely increased number of arrests was due at all to an increased number of serious crimes. The census statistics show that of the total increase of arrests in these cities from 1902 to 1907 over 115,000 was increase in arrests for drunkenness, or something like an increase of thirty-three per cent in arrests for that minor offense. It is more than possible that these years saw considerable increase in serious crime in these cities. The newspapers of the summer of 1907, which was a period of financial depression, were filled with accounts of what they termed a "crime wave" sweeping over the country, but at the present time it is impossible to determine whether or not there was, corresponding to the financial depression of 1907, an increase in crime similar to that which took place in the financial depression of 1893-95⁵. Only statistics yet to be collected can determine this fact.

On the other hand, one can scarcely doubt from these statistics of arrests, that there was an increase in minor offenses in the United States between 1902-07, but this increase in minor offenses is nothing new. It has been going on for half a century, as the studies of Ferri and others show, in all the leading countries of the civilized world. The increased number of minor offenses in nearly all civilized countries is usually regarded as largely due to the creation or definition of new misdemeanors. Most students of crime argue, therefore, that this increase in minor offenses is not a serious matter, and so we

⁴In the year 1902 the number of cities included was 174.

⁵The prison statistics of New York state show that the population of the three state prisons (Auburn, Clinton, Sing Sing) increased from 3,466 in 1906 to 4,420 in 1909. Likewise convictions for felony in New York state courts increased from 3,054 in 1904 to 5,588 in 1908. This supports the belief that crime greatly increased in 1907, 1908 and 1909.

have paid no attention to it in this paper; but we may remark that even an increase in minor offenses brings a larger number within the pale of the criminal law and subjects them to the treatment, wise or otherwise, of our criminal courts and penal institutions.

We must conclude, therefore, that serious crime increased out of proportion to the population in the United States from 1880 to 1904; but that apparently this increase took place mainly between the years 1880 and 1895. But we are not warranted in concluding that there has been no increase since 1895 on account of the increasing use of probation and parole and on account of increasing leniency and possibly the increasing inefficiency of our criminal law and our criminal courts as instruments for the repression and cure of crime. Perhaps even more must we conclude from this study that our statistics of crime are utterly inadequate for scientific purposes, and that a first step in the study of crime in this country should be to secure the collection of more adequate statistics, either by the Census Bureau or by the Department of Justice.